Searches

515.1 PURPOSE AND SCOPE

The purpose of this policy is to provide clear direction on maintaining the safety and security of the correctional facility by conducting searches in balance with protecting the constitutional rights of inmates.

The introduction of contraband into the correctional facility poses a serious risk to the safety and security of members, inmates, and the public. Any item that is not available to all inmates may be used as currency by those who possess the item and will allow those in possession of the item to have control over other inmates. Any item that may be used to disengage a lock or other electronic security device or that could compromise the physical plant jeopardizes the safety and security of this correctional facility. Carefully restricting the flow of contraband into the correctional facility can only be achieved by thoroughly searching inmates and their environment.

Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from an individual.

515.1.1 DEFINITIONS

Definitions related to this policy include:

Contraband - Anything unauthorized for inmates to possess, including drugs and weapons of any kind.

Excess property - Anything authorized for inmates to possess but in an unauthorized quantity.

Modified strip search - A search that requires the removal or rearranging some of a person's clothing and does not include a visual inspection of the exposed breasts, buttocks, or genitalia of the person. This search may include a thorough tactile search of an inmate's partially unclothed body. This also includes searching the inmate's clothing after it has been removed.

Pat-down search - A search used to check an individual for contraband. It involves thoroughly patting down an inmate's clothed body to locate any items that could pose a danger to the corrections deputy, the inmate, or others.

Physical body cavity search - A search that includes a visual inspection of and may include physical intrusion into a body cavity. Body cavity means the stomach, colon, rectum, or vagina.

Strip search - A search that requires the removal or rearranging of some or all of a person's clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia of the person.

Body Scanner - The use of an x-ray whole-body security screening system to detect contraband on or within a person.

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515.2 POLICY

It is the policy of this office to promote the safety of members, inmates, and visitors by conducting effective and appropriate searches of inmates and areas within the correctional facility in accordance with applicable laws. Members shall always be alert to the possible presence of contraband and shall take immediate action to seize and appropriately handle contraband when found.

Searches shall not be used for intimidation, harassment, punishment, or retaliation.

Members conducting strip searches are required to have an additional deputy standby within hearing proximity while the search is conducted.

515.3 PAT-DOWN SEARCHES

Pat-down searches will be performed on all inmates/arrestees upon entering the secure booking area of the correctional facility. Additionally, pat-down searches shall occur frequently within the correctional facility. At a minimum, members shall conduct pat-down searches in circumstances that include:

(a) When inmates leave their housing units to participate in activities elsewhere in the correctional facility (e.g., exercise yard, medical unit, visiting) and when they return.

(b) During searches of housing units.

(c) When inmates come into contact with other individuals housed outside of their housing units, such as on work details.

(d) Any time a member believes inmates may have contraband on their persons.

Except in emergencies, all pat-down searches will be conducted by a member of the same gender as the inmate. Absent the availability of a member of the same gender, it is recommended that a witnessing member be present during a pat-down search of an individual of another gender. All cross-gender pat-down searches shall be documented (28 CFR 115.15).

515.4 BODY SCANNER SEARCHES

The following policy is provided to establish safe guidelines for the operation and application of the body scan devices in the detection of contraband concealed on a person when presented for booking, or while incarcerated in the facility.

The body scanner screening system is a security tool that is utilized specifically for contraband detection. The system does not eliminate or replace the need to conduct a pat down, metal detector scan, strip search, but may identify the need for further searches. It shall be used to enhance department efforts in reducing items of dangerous contraband from being introduced into the corrections facility.

Searches will be conducted in accordance with instructions provided by the manufacturer and associated training on the device.

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515.5 MODIFIED STRIP SEARCHES, STRIP SEARCHES AND PHYSICAL BODY CAVITY SEARCHES

Modified strip searches, strip searches, should be limited to those situations where such searches are necessary (RCW 10.79.060). Physical body cavity searches are prohibited at TCCF

Corrections deputies shall consider and be able to articulate the reason for the search and the scope, manner, and location of the search, and will utilize the least invasive search method to meet the goals of the search (RCW 10.79.140).

515.5.1 STRIP SEARCHES PRIOR TO PLACEMENT IN A HOUSING UNIT

Modified strip searches or strip searches shall be conducted as follows:

(a) No person held prior to placement in a housing unit shall be subjected to a modified strip search or strip search without a warrant unless there is (RCW 10.79.130):

1. Reasonable suspicion based upon specific and articulable facts to believe the person has a health condition requiring immediate medical attention.
2. Reasonable suspicion based upon specific and articulable facts to believe the person is concealing contraband or an item that constitutes a threat to the facility.
3. Probable cause to believe the person is concealing evidence of a crime that is not constituting a threat to the facility.

(b) Factors to be considered in determining reasonable suspicion include but are not limited to:

1. The detection of an object during a pat-down search that may be contraband and cannot be safely retrieved without a modified strip search or strip search.
2. Circumstances of a current arrest that specifically indicate the person may be concealing contraband.
    (a) Reasonable suspicion is presumed to exist when the person to be searched has been arrested for any of the following offenses (RCW 10.79.130):
        1. A violent offense as defined in RCW 9.94A.030
        2. Any offense involving escape, burglary, or the use of a deadly weapon
        3. Possession of prescription drugs, controlled substances, or imitation controlled substances
3. Custody history (e.g., past possession of contraband while in custody, assaults on members, escape attempts).
4. The person's actions or demeanor, such as refusal to submit to a pat-down search.
5. Criminal history (e.g., level of experience in a custody setting; convictions for escape, possession of drugs or weapons, crimes of violence; being a fugitive).
6. An alert by a metal detector or drug detection device.

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7. Other reliable information that the person possesses contraband.

(c) Except in the case of a medical emergency, no modified strip search or strip search of an inmate shall be conducted before admittance to a housing unit without prior written authorization from the Shift Supervisor (RCW 10.79.140).

515.5.2 SEARCHES OF PRETRIAL INMATES

Pat-down searches, clothing searches, and electronic metal-detector searches, as appropriate, will be conducted on all pretrial inmates upon admission into the general population and whenever the pretrial inmate has entered an environment where contraband may be accessed. A pretrial inmate is a person who is being held pretrial without an order denying bail. This includes but is not limited to the following:

- Upon return from contact visits
- Upon leaving the kitchen, shop, farm, etc.
- Upon return to general population from outside the confines of the facility (court, work-release, work detail, medical visits)

A clothing search involves an inmate removing some or all of their clothing behind a modesty screen and a thorough search of the inmate's removed clothing. It does not include a visual inspection of the underclothing, breasts, buttocks, or genitalia of the inmate, but may include inspection of the inmate's hands and feet.

No pretrial inmate shall be subjected to a modified strip search or strip search without a warrant unless one or more of the following conditions exist (RCW 10.79.130):

(a) There is reasonable suspicion based upon specific and articulable facts to believe the person has a health condition requiring immediate medical attention.

(b) There is reasonable suspicion based upon specific and articulable facts to believe the person is concealing on their body a weapon, contraband, or an item that constitutes a threat to the facility.

1. Reasonable suspicion is presumed to exist when the person to be searched has been arrested for any of the following offenses (RCW 10.79.130):

(a) A violent offense as defined in RCW 9.94A.030

(b) Any offense involving escape, burglary, or the use of a deadly weapon

(c) Possession of prescription drugs, controlled substances, or imitation controlled substances

(c) There is probable cause to believe the person is concealing on their body evidence of a crime not constituting a threat to the facility.

Except in the case of a medical emergency, no modified strip search or strip search of a pretrial inmate shall be performed without prior written authorization from the Shift Supervisor (RCW 10.79.140).

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515.5.3 STRIP SEARCHES OF CONVICTED AND NO BAIL ORDERED INMATES

Modified strip searches or strip searches shall be conducted on all inmates upon admission into a housing unit.

A modified strip search or a strip search of an inmate in a housing unit should be conducted when the inmate has entered an environment where contraband may be accessed. This includes but is not limited to the following:

(a) Upon return from contact visits

(b) Upon leaving areas such as the kitchen, shop, or farm

(c) Upon return to the housing unit from outside the confines of the correctional facility (e.g., court, work-release, work detail, medical visits)

Inmates returning from court with release orders shall not be subjected to modified strip searches or strip searches unless reasonable suspicion exists based on specific and articulable facts that the person is concealing contraband. An inmate should not be returned to the housing unit, except to retrieve personal property under the direct visual supervision of a member.

Members may conduct modified strip searches and strip searches of inmates outside the above listed circumstances only with prior written supervisor approval. In such cases, supervisors shall consider and articulate the scope, manner, justification, and location of the particular search. Less invasive searches should be used if they will accomplish the goals of the search. For example, a pat-down may be sufficient as an initial effort to locate a larger item, such as a cell phone.

515.5.4 MODIFIED STRIP SEARCH AND STRIP SEARCH PROCEDURES

All modified strip searches and strip searches shall be conducted in a professional manner under sanitary conditions and in an area where the search cannot be observed by people not participating in the search. Except at the request of the inmate, no person other than those who are participating in the search shall be present or able to observe the search (RCW 10.79.150). The search shall not be video or audio recorded.

Unless conducted by a qualified health care professional or in case of an emergency, a modified strip search or strip search shall be conducted and observed only by members of the same gender as the person being searched (RCW 10.79.100). Any cross-gender modified strip searches and cross-gender strip searches shall be documented (28 CFR 115.15).

Whenever possible, a second member of the same gender should be present during the search for security purposes and to witness the discovery of evidence. Except in exceptional circumstances, the number of members present during a search shall not exceed three.

The member conducting a strip search shall not touch the breasts, buttocks, or genitalia of the person being searched except and only to the extent necessary to safely remove contraband from the exterior of the person being searched. These areas may be touched through the clothing during a modified strip search.

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Generally, items protruding from body cavities should not be removed. If a body cavity search appears necessary, Place the defendant in a dry cell and consult with your supervisor and contract medical. Cavity searches are prohibited at TCCF.

(a) The searching member will instruct the inmate to:

1. Remove or rearrange their clothing.
2. Raise their arms above the head and turn 360 degrees.
3. Bend forward and run their hands through their hair.
4. Turn their head, to the left and to the right, so the searching corrections deputy can inspect the inmate's ear orifices.
5. Open their mouth and run a finger over the upper and lower gum areas, then raise the tongue so the corrections deputy can inspect the interior of the inmate's mouth. Remove dentures if applicable.
6. Turn around and raise one foot first, then the other so the corrections deputy can check the bottom of each foot.
7. Turn around, bend forward, and spread the buttocks if necessary to view the anus.

(b) At the completion of the search, the inmate should be instructed to dress in either street clothes or correctional facility-supplied clothing, as appropriate.

515.5.5 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches are prohibited at the Thurston County Corrections Facility. In the event a body cavity search is deemed necessary, it will require authorization by the Chief Deputy of Corrections or designee and must be performed by a licensed medical professional.

515.5.6 DOCUMENTING MODIFIED STRIP SEARCHES AND STRIP SEARCHES

The staff member conducting a modified strip search or strip search shall (RCW 10.79.150):

(a) Document the name and gender of the person searched.

(b) Document the facts that led to the decision to perform a strip search of the inmate, including the offense for which the person was arrested if that fact was considered in determining reasonable suspicion to conduct the search.

(c) Document the reasons less intrusive methods of searching were not used or were insufficient.

(d) Document the supervisor's approval.

(e) Document the time, date, and location of the search.

(f) Document the names of staff present and their serial numbers, gender, and roles.

(g) Document any complaints made by the inmate or problems encountered during the search.

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(h) Document any health conditions observed by the corrections deputy.

(i) Itemize and process all contraband and evidence discovered by the search in accordance with the office's current evidence procedures.

(j) If appropriate, a crime report and/or disciplinary report shall be completed.

(k) Ensure the completed documentation is placed in the inmate's file. A copy of the written authorization shall be retained and made available to the inmate or other authorized representative upon request.

515.6 PROHIBITED SEARCHES OF TRANSGENDER AND INTERSEX INMATES

Members shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining genital status (see the Prison Rape Elimination Act Policy for transgender and intersex definitions). If genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or if necessary, by obtaining that information as part of a broader medical examination conducted in private by a qualified health care professional (28 CFR 115.15).

515.7 HOUSING UNIT SEARCHES

Housing unit searches shall occur as directed by a supervisor. These searches should include all of the living spaces occupied by inmates. Housing unit searches should be scheduled in a manner that does not create a pattern where the inmates can predict such searches. During a housing unit search:

(a) All inmates shall vacate their living areas and be patted down by members.

(b) Inmates should be escorted to a separate holding area, such as the recreation yard.

(c) Members shall search the living areas of the inmates, including bedding, personal storage areas, bunks, and other areas with inmate access.

(d) Any contraband located shall be processed in accordance with the current evidence procedures.

(e) Members shall attempt to identify the inmate who possessed the contraband and file appropriate inmate discipline and/or crime reports.

(f) Any excess property shall be seized, inventoried, and retained pending disposition according to correctional facility procedures.

(g) At the conclusion of the housing unit search, closely supervised inmate workers should clean the unit. All authorized inmate personal property shall be respected and living areas should be returned to an orderly condition.

515.8 PHYSICAL PLANT SEARCHES

The following areas of this correctional facility shall be periodically searched for contraband:

(a) Exercise yards shall be searched before and after each inmate group occupies the yard.

(b) Holding cells shall be searched before and after each occupation.

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(c) Program areas, such as classrooms and multipurpose rooms, shall be searched after each use by an inmate or inmate group.

(d) Laundry areas shall be searched before and after inmate use.

(e) Kitchen areas shall be frequently searched for contraband and to account for tools, knives, and food items.

(f) Inmate visiting and public areas shall be frequently inspected.

(g) The correctional facility perimeter shall be searched regularly.

515.8.1 CANINE-ASSISTED SEARCHES

It is the policy of this facility to use canines to assist the staff in searching for contraband. Such searches shall occur only with the approval of a supervisor. Only canines trained in the detection of contraband, such as drugs, alcohol and weapons, will be allowed within the secure perimeter of the facility. Canines trained solely in crowd control or to assist in physically subduing individuals will not be used in the facility.

Canines will generally be used to assist the staff in general physical plant or living area searches. Contact between inmates and canines should be kept to a minimum.

515.9 CRIMINAL EVIDENCE SEARCHES

The Chief Deputy of Corrections or the authorized designee shall be notified, as soon as practicable, any time it is suspected that a crime has been committed in the facility or other area controlled by the facility staff, and there is a need to search for evidence related to the crime. Upon suspected discovery of evidence, law enforcement should be contacted in accordance with agency criminal investigation procedures. Evidence will be processed in accordance with investigative procedures and practices and referred for prosecution.

Any evidence collected in connection with an alleged crime shall be reported, documented and stored to protect it from contamination, loss or tampering, and to establish the appropriate chain of custody. A search for evidence may be conducted by staff whenever there is a need for such action.

515.10 TRAINING

The training team shall provide training for staff in how to conduct pat-downs, strip searches in a professional and respectful manner and in the least intrusive manner possible, consistent with facility security needs. This training shall include cross-gender pat downs and searches, as well as searches of transgender and intersex inmates (28 CFR 115.15).

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